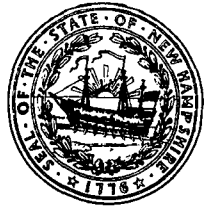




State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-1370 FAX (603) 271-1381



March 15, 2001

Mr. Frank J. Landino, Jr.  
Chairman  
Board of Selectmen  
Town of Sandown  
P.O. Box 1656  
Sandown, New Hampshire 03873

**CERTIFIED MAIL (7099 3400 0002 9773 8921)**  
**RETURN-RECEIPT REQUESTED**

**LETTER OF DEFICIENCY**  
**No. ARD 2001-005**

**RE: Open Burning of Non-Conforming Materials**

Dear Mr. Landino, Jr.:

On June 8, 2000 and October 27, 2000, New Hampshire Department of Environmental Services, Air Resources Division (DES), performed inspections at the Sandown Municipal Solid Waste and Brush Disposal Area (Facility) located off Depot Road at Tax Map 11, Lot 3 in Sandown, NH. The purpose of the inspections was to determine compliance with the NH Admin. Rules Env-A 100-3600, specifically, Env-A 1000, Prevention, Abatement, and Control of Open Source Air Pollution, and Authorization to Burn Brush and Untreated Wood, PIP No. 1508 (PIP No. 1508) which authorizes the Town of Sandown to operate a municipal burn site for untreated wood and brush.

At the time of the June 8, 2000 inspection, the DES inspector observed the following charred non-conforming materials in the burn pile: painted wood, pressure treated lumber, a television, furniture and plywood. The burn pile also contained the following non-conforming materials: plywood, painted wood, melted glass, wafer board and insulation.

During the October 27, 2000 inspection, the DES inspector observed the following charred non-conforming materials in the burn pile: furniture and wafer board. The burn pile also contained the following non-conforming materials: cardboard, plywood, furniture, wafer board, pressure treated lumber and assorted metals.

Based upon these findings, DES has determined that the Facility has been operating in violation of Env-A 1001.04(a)(2), Division Authorization for Certain Open Burning, and Condition 2 of PIP No. 1508.

Env-A 1001.04(a)(2) restricts any city or town from burning anything except brush or untreated wood.

Condition 2 of PIP No. 739 requires all burning to be conducted in accordance with the requirements of Env-A 1000 and that only brush and untreated wood, as defined in Env-A 101, shall be accepted and treated at the burn site:

- a. Env-A 101.54 defines **Brush** as "tree tops, limbs, saplings and tree cuttings, to include attached leaves, which are five (5) inches in diameter or less"; and
- b. Env-A 101.286 defines **Untreated wood** as "timber, board or sawn dimensional lumber which has not been treated, coated or preserved. This term does not include any manufactured building material, such as plywood or wafer board."

DES believes that the above-referenced deficiencies can be resolved if the Facility adheres to the following procedures:

1. Burn only brush and untreated wood as described in PIP No. 1508, Env-A 101.54 and Env-A 101.286. Separate materials that do not meet the specifications of Condition 2 of PIP No. 1508, Env-A 101.54 and Env-A 101.286 from the burn area; and
2. Submit a written statement to DES within ten (10) days of receipt of this Letter of Deficiency attesting that if open burning activities continue, they will be conducted in accordance with PIP No. 1508 and Env-A 1000.

Attached is a copy of PIP No. 1508, Env-A 101.54, Env-A 101.286 and Env-A 1000 for your reference. Please submit the requested information, within the specified time frame, to the following address:

Ms. Mary Ruel, Enforcement Section Supervisor  
New Hampshire Department of Environmental Services  
Air Resources Division, Compliance Bureau  
6 Hazen Drive, P.O. Box 95  
Concord, NH 03302-0095

In the event compliance is not achieved within the specified time frame, DES may initiate formal action, including issuing an order requiring the deficiencies to be corrected and/or referring this matter to the NH Department of Justice for civil and/or criminal penalties. DES reserves the right to pursue administrative fines for the violations noted above.

If you have any questions concerning this Letter of Deficiency, please contact Ms. Mary Ruel, Enforcement Section Supervisor, Compliance Bureau, Air Resources Division, at (603) 271-6795.

Sincerely,



Pamela G. Monroe  
Compliance Bureau Administrator  
Air Resources Division

Enclosure: PIP No. 1508, Env-A 101.54, Env-A 101.286 and Env-A 1000

cc: K. A. Colburn, DES O/C  
G. Rule, DES O/C  
T. McCusker, EPA, Region I  
R. Reed, DES WMD

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